

REMARKS

Claims 9-29 are pending. Claims 1-8 have been canceled without prejudice.

Support for new claims 25 and 29 can be found in page 25, line 25 to page 26, line 15 of the specification and Fig. 1(c). Support for new claims 26-28 can be found in 13, 17 and 21, respectively.

No new matter has been added by way of the above-amendment.

Rejection of Claims 9-24 under 35 USC 103(a)

Claims 9-24 stand rejected under 35 USC 103(a) as being unpatentable over Arakawa '925 in view of Kameyama '139. Applicants respectfully traverse the rejection.

Applicants note that these are the same references which were cited in the May 9, 2007 Office Action. However, the Examiner cites to different portions of these references in the outstanding Office Action than the Examiner cited in the May 9, 2007 Office Action. Nevertheless, Applicants respectfully submit that the combination of Arakawa '925 and Kameyama '139 do not render the presently claimed invention obvious.

The Examiner has made it clear on the record, that Arakawa '925 "does not expressly disclose wherein the optical laminate further comprises a cholesteric liquid crystal layer and a quarter-wave plate laminated on the cholesteric liquid crystal layer." As such, the Examiner relies on the Kameyama '139 to cure this deficiency. See page 3 of the Office Action.

In support of the rejection, the Examiner concludes at page 3 of the Action that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the quarter-wave /cholesteric LC layer combination of Kameyama in the optical laminate of Arakawa. The motivation for doing so would have been to minimize image blurring, as taught by Kameyama (column 1, lines 44-51)."

Furthermore, the Examiner relies on Kameyama '139 for teaching to make the quarter-wave plate have a variation in thickness of 5% or less as presently claimed. The Examiner alleges that Kameyama '139 disclose that it is desirable to make the thickness of the quarter-wave plate as uniform as possible (column 8, lines 8-10; -0% variation, \pm some small value), and therefore, Kameyama '139 discloses thickness variation of overlapping ranges with the limitation of claim 9.

In response, Applicants respectfully submit that the Examiner misunderstands the teachings of Kameyama '139. Kameyama '139 teaches two embodiments of a polarizing element:

- i) an embodiment comprising a cholesteric liquid crystal layer and a quarter wavelength plate – see claim 1 (hereinafter "Embodiment (A)"; and
- ii) an embodiment comprising a multilayer film, see column 8, lines 33-48 (hereinafter "Embodiment (B)").

The Examiner will note from the description at column 8, lines 8-10 (which the Examiner relies on) of Kameyama '139 relates to Embodiment (A) and describes the *thickness of the cholesteric liquid crystal layer*. This description at column 8, lines 8-10 does *not* relate to the thickness of the quarter wave plate, as presently claimed.

In addition, Kameyama '139 teaches maintaining the uniformity of the multilayer film of Embodiment (B) in column 8, lines 33-48.

There is no teaching or suggestion in Kameyama '139 to prepare the *quarter wave plate* having a variation in thickness of 5% or less, as presently claimed. The Examiner will note that the quarter wave plate is described at column 8, line 59 to column 9, line 15 and column 10, lines 10-23 of Kameyama '139. As such, significant patentable distinctions exist between the present invention and the teachings of Arakawa '925 and Kameyama '139 and withdrawal of the rejection is respectfully requested.

Lastly, Applicants have added new claims 25-28 to further distinguish from the teachings of Arakawa '925 and Kameyama '139. New claim 25 requires that the quarter wave plate has:

“a layer A/layer C/layer B/layer C/layer A configuration, the layer A being a layer of a material having a positive intrinsic birefringence value, the layer C being an ethylene-(meth)acrylate copolymer adhesive layer, and the layer B being a layer of a material having a negative intrinsic birefringence value.”

This five-layer configuration gives the optical laminate the ability to stably exhibit luminance for a long period of time. This advantageous effect is neither taught nor suggested by the teachings of Arakawa '925 and Kameyama '139.

In view of the fact that Arakawa '925 and Kameyama '139 fail to teach or fairly suggest that: a) the quarter-wave plate has a layer A/layer C/layer B/layer C/layer A configuration; and b) the quarter-wave plate has a variation in thickness of 5% or less, claims 25-28 are also patentable.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

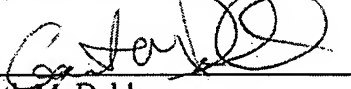
Application No. 10/518,042
Amendment dated March 24, 2008
Reply to Office Action of December 28, 2007

Docket No.: 4252-0111PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: March 24, 2008

Respectfully submitted,

By 

Garth M. Dahlen

Registration No.: 43,575

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant